GOVERNMENT OF INDIA
HEALTH AND FAMILY WELFARE
LOK SABHA

UNSTARRED QUESTION NO:431
ANSWERED ON:02.03.2005
SPURIOUS DRUGS AND CONTAMINATED MILK
Verma Shri Rajesh

Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether the Government is aware that the business of spurious drugs and contaminated milk is booming through out the country ;

(b) if so, whether there is any appropriate laws in this regard;

(c) if so, the punishment provided under the laws along with the details of convicted persons during the last three years ; and

(d) if not, the time, by which the Government would enact a law ?

Answer

THE MINISTER OF HEALTH & FAMILY WELFARE (DR. ANBUMANI RAMADOSS)

(a) As per the feedback available from the State Drug Controllers, 38824, 43138, 40862 drug samples were tested during the period 2001-2002, 2002-2003 and 2003-2004, out of which 96, 129 and 118 samples respectively were found spurious which is 0.33%, 0.29% and 0.288% of the samples reported spurious. Thus, it does not appear that the business of spurious drugs is booming in the country.

(b) & (c) Yes, Sir. In so far as the issue of drugs is concerned, the Drugs & Cosmetics Act, 1940 provides for penalty for manufacture of sub-standard and spurious drugs which is imprisonment for not less than 3 years which may extend to 5 years with fine. However, if the drug causes death or grievous hurt and this death or hurt is attributable to the drug being adulterated to the drug being adulterated or spurious, then the punishment provided is imprisonment for not less than 5 years which may extend to a term of life and a fine which may not be less than rupees ten thousand.

Under the act the responsibility for regulating the manufacture and sale of drugs including taking legal action against the unscrupulous persons rests with the State Government. As per the feedback available from the State Drug Controllers, 538, 449 and 570 prosecutions were launched and 171, 105 and 166 cases were decided during the period 2001-2002, 2002- 2003 and 2003-2004 respectively.

In so far as milk and milk products are concerned the position is as follows. Sale of milk and milk products containing substances not found in milk except as provided in the Prevention of Food Adulteration (PFA) Rules, 1955 is already prohibited under the provisions of PFA Act, 1954. Sale of any adulterated and misbranded article of food is an offence punishable with minimum imprisonment of 6 months and with a fine which shall not be less than rupees one thousand. In case the adulterated foodstuff causes death or grievous hurt, the offence is punishable by imprisonment which may extend to a term of life and fine which shall not be less than rupees five thousand.

All State/UT Governments have been repeatedly directed to take necessary action to keep a strict vigil on the quality of milk particularly for the presence of chemical substances.

Statement indicating total number of prosecutions launched, convictions and acquittals under PFA Act, 1954 for food products including milk and milk products during the last three years is given at Annex.I

(d) Question does not arise in view of (b) & (c) above.

Annex-I

Total No. of Prosecution Launched, Convicted and Acquitted under PFA Act, 1954 for food adulteration including milk and milk products during last three years.

Year	No. of Prosecution Cases Launched	No. of Cases decided by the Courts	No. of Cases convicted	No. of cases Acquittal
2001	5943	2704	1263	1441

2002#	2867	1333	420	913
2003##	1536	779	319	460

Information is awaited from the State of Andhra Pradesh, Bihar, Gujarat, J&K, Orissa, Tamil Nadu, Uttaranchal, Jharkhand and Chandigarh

Information is awaited from Andaman & Nicobar Islands, Andhra Pradesh, Arunachal Pradesh, Assam, Bihar, Chandigarh, Chattisgarh, Dadra and Nagar Haveli, Daman & Diu, Delhi, Gujarat, Himachal Pradesh, J & K, Karnataka, Lakshadweep, Madhya Pradesh, Manipur, Meghalaya, Mizoram, Orissa, Pondicherry, Punjab, Sikkim, Tamil Nadu, UP & Jharkhand